

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARCELINA CARREIRA ALVIM
SOARES, *et al.*,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,

Defendants.

Civil Action No. 3:21-cv-02995-G

**DEFENDANTS' UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND**

In this case, Plaintiffs seek a writ of mandamus to compel U.S. Citizenship and Immigration Services (USCIS) to adjudicate a Form I-485, “Application to Register Permanent Residence or Adjust Status”; a Form I-140, “Immigrant Petition for Alien Workers”; and a Form I-765, “Application for Employment Authorization.” *See* Doc. 1 at 2. Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendants respectfully move the Court for a 30-day extension of time to answer or otherwise respond to the complaint, which would extend the response deadline from February 14, 2022 to March 16, 2022. The reason for this extension request is that, on February 3, 2022, USCIS issued requests for evidence to Plaintiffs. A response to the request for evidence is due by May 2, 2022, which constitutes the maximum period allowed for responding to requests for evidence. *See* 8 C.F.R. § 103.2(b)(8)(iv) (“The request for evidence . . . will

indicate the deadline for response, but in no case shall the maximum response period provided in a request for evidence exceed twelve weeks”).¹ Upon receipt of the responses to the requests for evidence, USCIS will resume processing the applications. USCIS expects that, by March 16, 2022, it will have either completed adjudicating the applications, rendering the lawsuit moot, or at least be in a significantly better position to determine what additional steps may be necessary before completing adjudication. Plaintiffs do not oppose this extension request. Therefore, Defendants respectfully move the Court for a 30-day extension of time to answer or otherwise respond to Plaintiffs’ complaint, from February 14, 2022 to March 16, 2022.

Respectfully submitted,

CHAD E. MEACHAM
UNITED STATES ATTORNEY

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Attorneys for Defendants

¹ Defendants note that, in response to the Covid-19 pandemic, USCIS has extended flexibilities for responding to agency requests and, before taking any action, the agency will consider a response to a request for evidence that is received within 60 calendar days after the response due date set in the request. *See* <https://www.uscis.gov/newsroom/alerts/uscis-extends-flexibility-for-responding-to-agency-requests-0>.

Certificate of Conference

I certify that, on February 10, 2022, I conferred with Plaintiffs' counsel regarding this motion, and counsel stated that Plaintiffs do not oppose the motion.

/s/ Lisa R. Hasday
Lisa R. Hasday
Assistant United States Attorney

Certificate of Service

On February 10, 2022, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Lisa R. Hasday
Lisa R. Hasday
Assistant United States Attorney